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HOUSE BILL 2644

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives O'Brien, Lantz, Cody and Kenney

Read first time 01/19/2004. Referred to Committee on Judiciary.

1            AN ACT Relating to drunk driving courts; adding a new section to  
2 chapter 3.02 RCW; and adding a new section to chapter 35.20 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 3.02 RCW  
5 to read as follows:

6            (1) A city or county that operates a court under this title may  
7 establish and operate one or more drunk driving courts.

8            (2) For the purposes of this section, "drunk driving court" means  
9 a court that has special calendars or dockets designed to achieve a  
10 reduction in recidivism and substance abuse among drunk driving  
11 offenders by increasing their likelihood for successful rehabilitation  
12 through early, continuous, and intense judicially supervised treatment;  
13 mandatory periodic alcohol or drug testing; and the use of appropriate  
14 sanctions and other rehabilitation services.

15            (3)(a) Any jurisdiction that seeks a state appropriation to fund a  
16 drunk driving court program must first:

17            (i) Exhaust all federal funding received for the support of the  
18 operations of its drunk driving court and associated services; and

1 (ii) Match, on a dollar-for-dollar basis, state money allocated for  
2 drunk driving court programs with local cash or in-kind resources.  
3 Moneys allocated by the state must be used to supplement, not supplant,  
4 other federal, state, and local funds for drunk driving court  
5 operations and associated services.

6 (b) Any jurisdiction that establishes a drunk driving court  
7 pursuant to this section shall establish minimum requirements for the  
8 participation of offenders in the program. The drunk driving court may  
9 adopt local requirements that are more stringent than the minimum. The  
10 minimum requirements are:

11 (i) The drunk driving court is designed for offenders charged with  
12 or being given deferred prosecutions for a violation of RCW 46.61.502  
13 or 46.61.504 or an equivalent local ordinance, or a violation of RCW  
14 46.61.5249 or an equivalent local ordinance if the charge was  
15 originally filed as a violation of RCW 46.61.502 or 46.61.504 or an  
16 equivalent local ordinance; and

17 (ii) The drunk driving court is designed for offenders who would  
18 benefit from substance abuse treatment, including but not limited to  
19 repeat drunk driving offenders and offenders with higher blood or  
20 breath alcohol concentrations at the time of the offense.

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.20 RCW  
22 to read as follows:

23 (1) A city that operates a court under this chapter may establish  
24 and operate one or more drunk driving courts.

25 (2) For the purposes of this section, "drunk driving court" means  
26 a court that has special calendars or dockets designed to achieve a  
27 reduction in recidivism and substance abuse among drunk driving  
28 offenders by increasing their likelihood for successful rehabilitation  
29 through early, continuous, and intense judicially supervised treatment;  
30 mandatory periodic alcohol or drug testing; and the use of appropriate  
31 sanctions and other rehabilitation services.

32 (3)(a) Any jurisdiction that seeks a state appropriation to fund a  
33 drunk driving court program must first:

34 (i) Exhaust all federal funding received for the support of the  
35 operations of its drunk driving court and associated services; and

36 (ii) Match, on a dollar-for-dollar basis, state money allocated for  
37 drunk driving court programs with local cash or in-kind resources.

1 Moneys allocated by the state must be used to supplement, not supplant,  
2 other federal, state, and local funds for drunk driving court  
3 operations and associated services.

4 (b) Any jurisdiction that establishes a drunk driving court  
5 pursuant to this section shall establish minimum requirements for the  
6 participation of offenders in the program. The drunk driving court may  
7 adopt local requirements that are more stringent than the minimum. The  
8 minimum requirements are:

9 (i) The drunk driving court is available for offenders charged with  
10 or being given deferred prosecutions for a violation of RCW 46.61.502  
11 or 46.61.504 or an equivalent local ordinance, or a violation of RCW  
12 46.61.5249 or an equivalent local ordinance if the charge was  
13 originally filed as a violation of RCW 46.61.502 or 46.61.504 or an  
14 equivalent local ordinance; and

15 (ii) The drunk driving court is available for offenders who would  
16 benefit from substance abuse treatment, including but not limited to  
17 repeat drunk driving offenders and offenders with higher blood or  
18 breath alcohol concentrations at the time of the offense.

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